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Fiftieth year

Letter dated 17 February 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 24 January 1995 from the Chargé d'affaires of the Permanent Mission of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to the United Nations, Mr. Dragomir Djokić, addressed to you (A/49/839-S/1995/75 and Corr.1).

The Federal Republic of Yugoslavia (Serbia and Montenegro) is one of the five equal successor States that resulted from the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY). It did not "continue to exist in international relations as a contracted Yugoslav federation", nor is it "the owner of the assets of the Socialist Federal Republic of Yugoslavia in the territories that seceded from the former federation", as is incorrectly asserted in the letter. My Government has on numerous occasions recalled the relevant provisions of resolutions 777 (1992) of 19 September 1992 and 821 (1993) of 28 April 1993 of the Security Council, and resolutions 47/1 of 22 September 1992 and 47/229 of 29 April 1993 of the General Assembly, which clearly lay down the legal aspects of the dissolution of the former common federation. The findings of the Badinter Commission mandated by the European Union give the legal findings. Thus, the position of the Federal Republic of Yugoslavia (Serbia and Montenegro) is legally indefensible and the arguments are purposely misleading.

Further, the Federal Republic of Yugoslavia (Serbia and Montenegro) has retracted a part of its original letter, by requesting a corrigendum to this effect, recanting the statements that it "does not claim to be the sole

successor of the former federation"; that it "participates in the negotiations of the division of assets and liabilities of the former Socialist Federal Republic of Yugoslavia"; that it "recognizes that some of the funds frozen by the introduction of the sanctions regime against the Federal Republic of Yugoslavia (Serbia and Montenegro) did belong to the Socialist Federal Republic of Yugoslavia" and "are subject of the negotiations taking place in Geneva". By this retraction, my Government has no other option but to conclude that now the Belgrade regime will claim to be the sole successor of the Socialist Federal Republic of Yugoslavia; that it will stop its participation in negotiations in Geneva; and that it will claim that all of the funds frozen by the sanctions belong to enterprises, banks and state entities from the Federal Republic of Yugoslavia (Serbia and Montenegro).

This and other repeated attempts by the Federal Republic of Yugoslavia (Serbia and Montenegro) to be de facto accepted as a continuation of the international legal personality of the former SFRY are in direct contravention of the relevant Security Council and General Assembly resolutions, and of customary international law.

It is our firm belief that the ambiguous situation in the treatment of the Federal Republic of Yugoslavia (Serbia and Montenegro) within the United Nations would be effectively terminated by, inter alia, removing the name-plate "Yugoslavia" from the premises of the United Nations, and removing the flag of the former common State, the Socialist Federal Republic of Yugoslavia, from the United Nations mast. In this manner, the fact proclaimed so long ago by the Security Council and the General Assembly that "the Socialist Federal Republic of Yugoslavia has ceased to exist" would finally be clearly reflected and the attempts by the Federal Republic of Yugoslavia (Serbia and Montenegro) to circumvent the relevant resolutions would be prevented.

I would kindly request your assistance in circulating the text of the present letter as a document of the forty-ninth session of the General Assembly, under agenda items 8 and 112, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative